

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

RECEIVED
2010 JUN 18 A 11:15

Ronald W. Colley,)	C. A. No. 2:09-1313-MBS-RSC
)	
Plaintiff,)	
)	
-versus-)	<u>REPORT AND RECOMMENDATION</u>
)	
W. G. Connors and Leon Lott,)	
)	
Defendants.)	

This action was filed pro se in state court by the plaintiff and was removed to this court by the defendants. Subsequently the plaintiff obtained counsel who amended the complaint.

Discovery has now been largely completed and the plaintiff has moved for an order dismissing his federal claims with prejudice and allowing him to pursue his state claims in state court. The defendants have responded consenting to the plaintiff's motion.

Accordingly it is recommended that the plaintiff's federal claims herein be dismissed on the stipulation of the parties, Rule 41(a)(1)(A), Federal Rules of Civil Procedure.

Further, it is recommended that the additional claims for relief under state common law theory be dismissed for want of jurisdiction. Specifically, this court can decline to continue the action as to the pendent claims if "the district court has dismissed all claims over which it has original jurisdiction." 28 U.S.C. § 1367(c).

CONCLUSION

Accordingly, for the aforementioned reasons, it is recommended that the defendant's motion to dismiss all federal claims be granted, that the court decline to exercise supplemental jurisdiction over the remaining state claims, and that this matter be ended.

Respectfully Submitted,



Robert S. Carr
United States Magistrate Judge

Charleston, South Carolina

June 18, 2010

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court judge need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
P.O. Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985).